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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/538,621	03/29/2000	Stephen Russell Falcon	MS1-396US	8368
22801	7590	04/05/2005	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			TRAN, TONGOC	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/538,621

Applicant(s)

FALCON ET AL.

Examiner

Tongoc Tran

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-72 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15, 20-36 and 41-72 is/are rejected.
- 7) ☒ Claim(s) 16-19, 37-40 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This office action is in response to Applicant's Request for Continued Examination (RCE) filed on 12/3/2004. Claim 72 is added. Claims 1-72 are pending.

### ***Response to Arguments***

2. Applicant's arguments with respect to independent claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15, 20-36 and 41-72 rejected under 35 U. S. C. 103(a) as being unpatentable over Muller (U.S. Patent No. 6,249,727) in view of Larson et al. (U.S. Patent No. 5,907,324, hereinafter Larson).

In respect to claim 1, Muller discloses a method comprising:

allowing the first application to set an initial range for the controlled parameter setting (see col. 5, lines 25-35, line 61 to col. 6, line 27);

and subsequently, allowing at least a second application to modify the controlled parameter setting within the initial range set by the first application (see col. 5, lines 35-47).

Muller does not explicitly disclose verifying if the first and second application is allowed to set or modify the controlled parameter. However, Larson discloses verifying whether a request to change subobject and attribute values from a participant is authorized to make the change, if authorizes, the changes is carried out, if not authorized, an error message to the user is generated to inform him that he is not allowed to make the change (Larson, col. 17, lines 25-36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Larson for verifying if a participant is authorized to make changes to attribute values and whether changes should be carried out with the teaching of Muller for allowing applications to set or modify controlled parameter to ensure that changes made to controlled parameters are being monitored so that unauthorized application can not make changes without proper authorization.

In respect to claims 2, 9, 54, 56, and 65, Muller discloses a method and a system claims as recited in claims 1, 8, 53 and 64. Larson further discloses using a security code as a form of verification (Larson, col. 7, lines 50-52 and col. 17, lines 25-37).

In respect to claims 3, 10, 55 and 66, Muller and Larson disclose method and system claims as recited in claims 2, 9, 54 and 65. Muller and Larson do not disclose wherein the first security code is encrypted or decrypted. However, Encrypting and decrypting secure information is old and well known. It would have been obvious to one of ordinary skill in the art at the time the invention was made to encrypt the security code taught by Larson with programmable preferred operating parameter control limit

on a data card taught by Muller to protect the data from accessing by unauthorized users.

In respect to claim 4, Muller and Larson disclose a method as recited in claim 1, wherein the first application is verified based at least partially on memory location information associated with a verifying function (see Larson, col. 17, lines 25-36).

In respect to claim 5, Muller and Larson disclose a method as recited in claim 4, wherein the memory location information associated with the verifying function defines memory location within a read only memory (ROM) (see Larson, col. 17, lines 25-36),

In respect to claim 6, Muller and Larson disclose the method as recited in claim 1, wherein the initial range includes at least a maximum controlled parameter setting, and the second application is not allowed to modify the controlled parameter setting beyond the maximum controlled parameter setting (see Muller, cal. 5, lines 35-47).

In respect to claim 7, Muller and Larson disclose a method as recited in claim 1, wherein the initial range includes at least a minimum controlled parameter setting, and the second application is not allowed to modify the controlled parameter setting below the minimum controlled parameter setting (see Muller, col. 5, lines 35-47),

In respect to claim 8, Muller and Larson disclose the method as recited in claim 1, further comprising:

allowing the second application to modify the current range for the controlled parameter setting and subsequently, allowing at least a third application to modify the controlled parameter setting within the current range as modified by the second application (see Muller, col. 5, line 61-cal. 6, line 27). Muller does not explicitly disclose

verifying that the second application is allowed to modify the current range for the controlled parameter setter. However, Larson discloses verifying whether a request to change subobject and attribute values from a participant is authorized to make the change, if authorizes, the changes is carried out (Larson, col. 17, lines 25-36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Larson for verifying if a participant is authorized to make changes to attribute values and whether changes should be carried out with the teaching of Muller for allowing applications to set or modify controlled parameter to ensure that changes made to controlled parameters are being monitored so that unauthorized application can not make changes without proper authorization.

In respect to claim 11, Muller and Larson disclose the method in claim 8, wherein the second application is verified based at least partially on memory location information associated with a verifying function (Larson, col. 17, lines 25-36).

In respect to claim 12, Muller and Larson disclose the method in claim 11, wherein the memory location information associated with the verifying function defines memory location within a read only memory (ROM) (Larson, col. 17, lines 25-36).

In respect to claim 13, Muller and Larson disclose the method as recited in claim 8, wherein the current range includes to at least a maximum controlled parameter setting, and the third application is not allowed to modify the controlled parameter setting beyond the maximum controlled parameter setting (see col. 5, lines 35-47).

In respect to claim 14, Muller and Larson disclose the method as recited in claim 6, wherein the current range includes is at least a minimum controlled parameter

setting, and the third application is not allowed to modify the controlled parameter setting below the minimum controlled parameter setting (see col. 5, lines 35-47),

In respect to claim 15, Muller and Larson disclose the method as recited in claim 1, wherein the controlled parameter setting is selected from a group of settings comprising a vehicle control parameter (see col. 4, lines 35-39).

In respect to claim 20, Muller and Larson disclose the method as recited in claim 1, wherein verifying that the first application is authorized to set the initial range for the controlled parameter setting further includes using at least one verifier selected from a group comprising at least a first verifier and a second verifier (see Larson, col. 17, lines 25-37).

In respect to claim 21, Muller and Larson disclose the method claim as recited in claim 13, wherein verifying that the second application is authorized to set the initial range for the controlled parameter setting further includes using at least one verifier selected from a group comprising at least a first verifier and a second verifier (see Larson, col. 17, lines 25-37),

In respect to claims 22, 25-29 and 32-36 and 41-42 the claim limitations are computer readable medium claims that are substantially similar to the method claims 1, 4-8 and 11-15 and 21. Therefore claims 22, 25-29 and 32-36 and 41-42 are rejected based on the similar rationale.

In respect to claims 23-24 and 30-31, the claim limitations are computer readable medium claims that are substantially similar to the method claims 2-3, 9-10. Therefore claims 23-24 and 30-31 are rejected based on the similar rationale.

In respect to claim 43-44, Muller discloses a method comprising: setting an authorized range and a current value for a controlled parameter; receiving a request to change the current value of the controlled parameter from an application; changing the current value of the controlled parameter if a requested value of the controlled parameter is within the authorized range (Muller, col. 5, line 25-col. 6, line 27).

Muller does not explicitly disclose verifying that the application is authorized to modify the authorized range for the controlled parameter, prior to changing the current value of the controlled parameter to the requested value. However, Larson discloses verifying whether a request to change subobject and attribute values from a participant is authorized to make the change, if authorizes, the changes is carried out (Larson, col. 17, lines 25-36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Larson for verifying if a participant is authorized to make changes to attribute values and whether changes should be carried out with the teaching of Muller for allowing applications to set or modify controlled parameter to ensure that changes made to controlled parameters are being monitored so that unauthorized application can not make changes without proper authorization.

In respect to claim 45, Muller and Larson disclose the method as recited in claim 44, wherein the authorized range includes at least one authorized limit selected from a group including a minimum authorized limit and a maximum authorized limit (see cot. 4, lines 53-65).



In respect to claim 46, Muller and Larson disclose the method as recited in claim 45, further comprising changing the current value of the controlled parameter to the minimum authorized limit if the requested value is less than the minimum authorized limit and the application is not authorized to modify the authorized range (see col. 5, lines 35-60).

In respect to claim 47, Muffler and Larson disclose the method as recited in claim 45, further comprising changing the current value of the controlled parameter to the maximum authorized limit ff the requested value is more than the maximum authorized limit and the application is not authorized to modify the authorized range (see col. 5, lines 35-60).

In respect to claims 48-52, the claim limitations are computer readable medium claims that are substantially similar to the method claims 43-47. Therefore claims 48-52 are rejected based on the similar rationale.

In respect to claim 53 and 60, the claim limitations are system claims that are substantially similar to method claim 1. Therefore, claims 53 and 60 are rejected based on the similar rationale.

In respect to claims 57 and 67, Muller and Larson disclose the system as recited in claims 54 and 65, wherein the program further includes at least one linked verifier function stored within a predefined portion of the memory, and the program is configured to determine if the linked verifier function, as called by the program, is not within the predefined portion of the memory, in which case, the program determines that

the first application is unauthorized to modify the range (see Larson, col. 17, lines 25-37).

In respect to claim 58 and 68, Muller and Larson disclose the system as recited in claims 57 and 67, wherein the predefined memory location is within a read only portion of the memory (see Larson, col. 17, lines 25-36).

In respect to claim 59 and 69, Muller and Larson disclose system as recited in claims 54 and 64, wherein the security code is uniquely associated a software developer entity responsible for providing the first application (see col. 7, lines 50-52 and col. 17, lines 25-37).

In respect to claim 61, the claim limitation is a system claim that is substantially similar to method claim 15. Therefore, claim 61 is rejected based on the similar rationale.

In respect to claim 62, Muller discloses a system as recited in claim 53, wherein the processor, the memory, and the program are part of a computer system within a vehicle (see col. 2, lines 32-39).

In respect to claim 63, Muller discloses a system as recited in claim 53, further comprising at least one device that is coupled to the program and is responsive to the parameter value from the program (see col. 4, lines 53-67).

In respect to claim 64, 70 and 71, the claim limitations are system claims that are substantially similar to method claims 43, 62 and 63. Therefore, claim 64, 70 and 71 are rejected based on the similar rationale.

In respect to claim 72, the claim limitation is substantially similar to claim 46.  
Therefore, claim 72 is rejected based on the similar rationale.

***Allowable Subject Matter***

4. Claims 16-19 and 37-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tongoc Tran whose telephone number is (571) 272-3843. The examiner can normally be reached on 8:30-5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (571) 272-3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

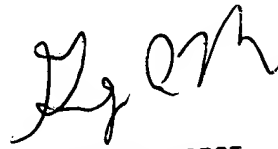
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Examiner: Tongoc Tran  
Art Unit: 2134

TT

  
April 4, 2005

  
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